

**MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**

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April 3, 2008

**VIA FACSIMILE: (212) 805-7906**

Honorable Denny Chin  
 United States District Court  
 Southern District of New York  
 500 Pearl Street - Room 1020  
 New York, New York 10007

**Re: Aneita Henry-Lee, individually and as the Administratrix of the Goods, Chattels and Credits of Peter C. A. Lee v. The City of New York, et al.**

Docket No. : 08-cv-0089  
 Our File No. : 495.81515

Dear Honorable Judge Chin:

My office was retained last week to represent the defendant, JMR Rest. Corp., d/b/a Rory Dolans Restaurant Bar, in the above-captioned matter.

I immediately contacted counsel for plaintiff to request an extension of time to serve our Answer. He did not respond to my telephone calls and now advised me that he was on trial.

I reviewed the docket in PACER Service Center and Docket Number 6 dated February 29, 2008 reflects that the plaintiff served the Complaint on January 16, 2008, filed the Affidavit of Service on February 29, 2008 and our Answer is due April 4, 2008. Attached is a copy of the docket sheet for the Court's convenience.

On April 3, 2008, I served and filed an Answer to the Complaint on behalf of the defendant, JMR Rest. Corp., d/b/a Rory Dolans Restaurant Bar. I was contacted by plaintiff's counsel who advised that he will not consent to our filing our Answer and that we are in default.

I would request that the Court grant my application to have our Answer deemed filed timely and in accordance with the information on the PACER service Center.

{NY036833.1}

Philadelphia Pennsylvania	Pennsauken New Jersey	New York City New York	Pittsburgh Pennsylvania	Wilmington Delaware	Towson Maryland	Doylestown Pennsylvania
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**MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**

Honorable Denny Chin

April 3, 2008

Page 2

Thank you very much for your consideration herein.

Respectfully submitted

**MARKS, O'NEILL, O'BRIEN  
& COURTNEY, P.C.**

By: \_\_\_\_\_  
James M. Skelly

JMS/ma

Enclosure

cc: **VIA FACSIMILE: (212) 661-8779**

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		Best Corp. (tro) (Entered: 01/09/2008)
01/04/2008		Magistrate Judge Gabriel W. Gorenstein is so designated. (tro) (Entered: 01/09/2008)
01/04/2008		Case Designated ECF. (tro) (Entered: 01/09/2008)
01/30/2008	<u>2</u>	ANSWER to Complaint with JURY DEMAND., CROSSCLAIM against all defendants. Document filed by City of Yonkers.(McCormick, Rory) (Entered: 01/30/2008)
01/30/2008	<u>3</u>	ANSWER to Crossclaim., ANSWER to Complaint with JURY DEMAND., CROSSCLAIM against all defendants. Document filed by Yonkers Police Department.(McCormick, Rory) (Entered: 01/30/2008)
02/07/2008	<u>4</u>	ENDORSED LETTER addressed to Judge Denny Chin from Arthur G Larkin dated 2/6/08 re: Defendants requests an extension of time to answer the complaint. ENDORSEMENT: Defendants' time to answer or otherwise respond to the complaint is extended until 4/4/08. (Signed by Judge Denny Chin on 2/6/08) (pl) (Entered: 02/07/2008)
02/11/2008	<u>5</u>	NOTICE OF APPEARANCE by Arthur Gabriel Larkin, III on behalf of The City of New York, New York City Police Department (Larkin, Arthur) (Entered: 02/11/2008)
02/29/2008	<u>6</u>	AFFIDAVIT OF SERVICE. JMR Best Corp. served on 1/16/2008, answer due 4/4/2008. Service was accepted by Rory Dolans. Document filed by Aneita Henry-Lee(individually). (Adam, Richard) (Entered: 02/29/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
03/26/2008 12:53:16			
PACER Login:	mo0927	Client Code:	
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